(b) identifying enhancement of caspase or procaspase activity.

## REMARKS

This Amendment D is being filed as the submission required under 37 C.F.R. §1.114 for the Request for Continued Examination filed in lieu of an Appeal Brief. Claims 41, 45 and 63 are amended in this Amendment D. Support for the amendment to the claims can be found throughout the specification, examples, figures and claims of the application as originally filed. In particular, support can be found at least in the specification at page 3, line 31. No new matter has been added as a result of these claim amendments.

### Interview With Examiner

Applicants' Attorney notes with appreciation the helpful telephonic interview conducted on February 26, 2002 with Examiner G. Bansal. During that interview, the amendments to Claims 41, 45 and 63, substantively as contained in Amendment D, were discussed. Examiner Bansal felt that such amendments would require additional searching as well as additional review. Therefore, Applicants have filed this Request for Continued Examination.

### Amendments to Claims 41, 45 and 63

Applicants have amended the pending independent claims, Claims 41, 45 and 63, to specify that the caspase or procaspase utilized in the method is expressed in immature thymocytes as a result of T cell receptor (T cell receptor) stimulation with peptide. As discussed at page 3, lines 16-32 of the specification (and at page 4 of the Amendment After Final Rejection filed on September 14, 2001), the caspase involved in the thymocyte-specific apoptotic mechanism termed negative selection is characterized by its ability to be expressed in immature thymocytes as a result of T cell receptor stimulation with peptide. Thus, the claims, as amended, even more clearly point out that which Applicants regard as their invention.

Moreover, the Fearnhead *et al.* reference, relied upon by the Examiner, neither teaches nor suggests expression of a caspase or procaspase in immature thymocytes as a result of T cell receptor stimulation with peptide. Rather, expression of the interleukin-1β-converting enzyme-

like protease of Fearnhead *et al.* is the result of stimulation with dexamethasone, etoposide or thapsigargin (see page 283, column 2). Thus, the claims, as amended, even more clearly distinguish the claimed method from the teachings of the Fearnhead *et al.* reference.

Correction Of Inventorship

As noted in the Amendment After Final Rejection filed on September 14, 2001, Applicants filed a petition and an amendment to correct the inventorship of the present application on March 20, 2001. Applicants respectfully request acknowledgment of the correction of inventorship.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

41. (Five Times Amended) A method of identifying an agent which enhances the activity of a caspase or procaspase expressed in immature thymocytes as a result of T cell receptor, (TCR), stimulation with peptide, or an active derivative or fragment thereof, wherein said caspase mediates immature thymocyte susceptibility to cell death, comprising the steps of:

(a) contacting an isolated form of a caspase or procaspase expressed in immature thymocytes as a result of TCR stimulation with peptide, or an active derivative or fragment thereof, with a caspase substrate in the presence of the agent; and

(b) identifying enhancement of caspase or procaspase activity.

45. (Five Times Amended) A method of enhancing the activity of a caspase or procaspase expressed in immature thymocytes as a result of T cell receptor, (TCR), stimulation with peptide, or an active derivative or fragment thereof, wherein said caspase mediates immature thymocyte susceptibility to cell death, comprising contacting an isolated form of a caspase or procaspase expressed in immature thymocytes as a result of TCR stimulation with peptide with an agent that enhances the activity of the caspase or procaspase.

63. (Amended) A method of identifying an agent which enhances the activity of a caspase or procaspase expressed in immature thymocytes as a result of T cell receptor, (TCR), stimulation with peptide, or an active derivative or fragment thereof, wherein said caspase is necessary for apoptosis, comprising the steps of:

(a) contacting the caspase or procaspase expressed in immature thymocytes as a result of TCR stimulation with peptide, or an active derivative or fragment thereof, with biotin-DEVDamk in the presence of the agent; and

(b) identifying enhancement of caspase or procaspase activity.